

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES OF AMERICA)	
)	
V)	CRIMINAL ACTION NUMBER
)	1:23-cr-00047-MHC-JEM
KRISTOPHER KNEUBUHLER,)	
)	
Defendant.)	

**DEFENDANT’S MOTION TO RECONSIDER MODIFICATION
OF BAIL CONDITIONS**

Defendant requests that this Honorable Court reconsider its ruling on the modification of bail for the reasons set forth below:

This court issued an order denying Kneubuhler’s request to modify his bond conditions for a litany of reasons including the fact he didn’t dispute the Government’s assertions. [Doc. 40]. In fact, Defendant did dispute the allegation that his son was in a photo with an adult penis. Defendant pointed out that even the Government’s brief stated they were unaware what the photo was after the Assistant United States Attorney reviewed it. [Doc. 36]. For the court to accept as fact that there was a penis in the photo is not an accurate take on even the Government’s own review. In their response they stated, “The undersigned has viewed the image of MMV1 recovered from the iPhone and the video of MFV1 recovered from the desktop tower. Given the lack of definition, it is difficult to determine the nature of the object near Defendant’s son’s face.” [Doc. 33 at FN 3].

Because the object in this photo wasn't discernible, Defendant pointed out to the Court that a photo containing an unknown object isn't evidence of anything. [Doc. 36]. This would be analogous to the government presenting evidence of an unknown white powder that hasn't been lab tested yet the finder of fact decides that it is cocaine.

Furthermore, as far as the proposed visitation options are concerned, Kneubuhler proposed another option besides his mother's supervision. He proposed hiring a court approved person to supervise visits similar to a guardian ad litem. And these visits can occur at his mother's residence or anywhere else deemed appropriate by this court or the probation officer. Obviously, this Court's primary concern is both the safety and wellbeing of these children. However, what's the safety concern if Kneubuhler is allowed to visit his children with a court approved person watching the entire time? It is reasonable for the Court to be concerned for his children or any child based on these allegations, but it is also harmful to these children to deny them contact with their father beyond virtual contact.

Therefore, we request the Court reconsider its decision.

This 26th day of July, 2023.

Respectfully submitted,

/s/Lawrence J. Zimmerman
Lawrence J. Zimmerman
SBN :785198

/s/Steven P. Berne
Steven P. Berne
SBN: 055020

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon counsel of record in this case a copy of the foregoing document via the Electronic Case Filing system of the United States District Court for the Northern District of Georgia.

This 26th day of July, 2023.

Respectfully submitted,

/s/Lawrence J. Zimmerman
Lawrence J. Zimmerman
SBN: 785198

/s/Steven P. Berne
Steven P. Berne
SBN: 055020